

MASSACHUSETTS CATHOLIC CONFERENCE

WEST END PLACE

150 Staniford Street, Suite 5, Boston, MA 02114-2511

Phone (617) 367-6060

FAX (617) 367-2767

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LEGISLATIVE TESTIMONY

To: Joint Committee on the Judiciary

From: James F. Driscoll, Esq., Executive Director

Re: House 1333, "An Act Relative to Banning Partial Birth Abortions"

Date: October 5, 2011

The Massachusetts Catholic Conference ("Conference") respectfully submits testimony in favor of House 1333, "An Act Relative to Banning Partial Birth Abortions."

Description of House 1333

Section 1: Section one would amend chapter 112, section 12K of the general laws. Currently, chapter 112, section 12K offers definitions applicable to sections 12L and 12U of chapter 112, such as defining abortion as “the knowing destruction of the life of an unborn child or the intentional expulsion or removal of an unborn child from the womb other than for the principal purpose of producing a live birth or removing a dead fetus.”^{1[1]} Section one of House 1333 would add a new paragraph that would define the term “partially born.” Section one would also define “sharp curettage abortion” and “suction curettage abortion.”

Section 2: Section two would insert a new section after section 12M of chapter 112. Section 12M currently outlaws abortions performed if a pregnancy has existed for twenty-four weeks, except “by a physician and only if it is necessary to save the life of the mother, or if a continuation of her pregnancy will impose on her a substantial risk of grave impairment of her physical or mental health.”^{2[2]} The new section, 12M1/2, would outlaw the intentional killing of a baby that is beginning to leave the protection of the womb. Perpetrators would be punished by a fine from \$500 - \$2000 or by imprisonment from three months – five years. The new section prohibits prosecution of the mother of the child. The new section also provides that a physician may perform the partial-birth abortion if the physician determines that it is necessary to save the life of the mother whose life is in danger, provided that “every reasonable precaution is also taken, in this case, to save the child’s life; and the physician first certifies in writing, setting forth in detail the fact upon which the physician relied in making this judgment.”

Section 3: Section three provides that if any provision of the act or its application to any person or circumstance be held invalid, that the remainder of the act or application of the provision to other persons or circumstances will not be affected.

Catholic Teaching on Abortion

The teaching of the Catholic Church is clear in regards to abortion. The Catechism of the Catholic Church states “human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life.”^{3[3]} Pope John Paul II further articulated the position of the Church on abortion and the dignity of every human life from the point of conception in his encyclical, *Evangelium Vitae*, the Gospel of Life. John Paul states “[That] the acceptance of abortion in the popular mind, in behavior and even in law itself, is a telling sign of an extremely dangerous crisis of the moral sense, which is becoming more and more incapable of distinguishing between good and evil, even when the

^{1[1]} M.G.L. c. 112 § 12K (2008)

^{2[2]} M.G.L. c. 112 § 12M (2008)

^{3[3]} Catechism of the Catholic Church (CCC), 2270

fundamental right to life is at stake.”^{4[4]} As the dignity of every human person is made clear by the Church, so too is the intrinsically illicit act of abortion. Yet the particularly brutal practice of partial-birth abortion should be examined more closely.

Particulars on Partial-Birth Abortion

Partial-birth abortion is a term used to describe a legal medical procedure in the United States that crosses the line from abortion to infanticide. Partial birth or later-term abortions are performed by inducing delivery of the child either head or feet first. When delivered feet-first, the child is delivered above the navel, leaving the head inside the mother. The living child is then killed when a physician punctures the skull of the child and removes the brain with a suction device.^{5[5]} After many years of hearings on the issue, Congress has concluded that partial birth abortion is “never medically necessary” and “poses significant health risks to women.”^{6[6]} Congress also found a “disturbing similarity” between the procedure and infanticide.^{7[7]} Thus Congress reasonably concluded that the practice of killing children substantially outside their mothers’ bodies “promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.”^{8[8]}

Effects on Women

Perhaps one of the most under-reported results effects of partial birth abortion is the effect it has on women. In a recent study published in the British Journal of Psychiatry conducted by Priscilla Coleman, which analyzed twenty-two studies published between 1995 and 2009, some alarming statistics were uncovered. Coleman reports that “Woman with a history of abortion have higher rates of anxiety (34% higher), depression (37%), alcohol use/misuse (110%), marijuana use (230%), and suicidal behavior (155%), compared to those who have not had an abortion.^{9[9]} John Paul II again speaks to the tragedy of abortion in *Evangelium Vitae*, stating

^{4[4]} Pope John Paul II, *Evangelium Vitae*, at 58, March 25, 1995

^{5[5]} Trujillo Lopez, Alfonso “Partial-birth abortion” Pontifical Council for the Family, March 23, 1993. Available online at:
http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20030331_partial-birth-abortion_en.html

^{6[6]} Pub. L. No. 108-105, § 2, 117, Stat 1201, 1202 (2003)

^{7[7]} *Id.*, at 1206.

^{8[8]} *Id.*

^{9[9]} Coleman, Priscilla. “Abortion and mental health: quantitative synthesis and analysis of research published 1995-2009.” *The British Journal of Psychiatry* (2011), Vol. 199, at 180 – 186. Available online at: <http://bjp.rcpsych.org/content/199/3/180.abstract>

“It is true that the decision to have an abortion is often tragic and painful for the mother, insofar as the decision to rid herself of the fruit of conception is not made for purely selfish reasons or out of convenience, but out of a desire to protect certain important values such as her own health or a decent standard of living for the other members of the family.” 10[10] The effects of partial-birth abortion are many and clear. It has long-range consequences for all participants in this tragedy, deceptively labeled “choice.” The Catholic Church has excellent and extensive ministries in place to counsel women who are considering an abortion or are post-abortive.11[11]

For the reasons stated above, the Conference urges the Committee to give House 1333 a favorable report recommending passage of the bill.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.

10[10] Pope John Paul II, *Evangelium Vitae*, at 59, March 25, 1995

11[11] For more information, visit www.hopeafterabortion.org